

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

FAIR FIGHT ACTION, INC, *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants.

Civil Action No.
1:18-cv-05391-SCJ

[PROPOSED] ORDER

This matter is before the Court on Plaintiffs' Fair Fight Action, Inc. and Baconton Missionary Baptist Church, Inc.'s Motion for Partial Summary Judgment of Count VI of Plaintiffs' Second Supplemental Complaint. The Court **GRANTS** Moving Plaintiffs' Motion for Partial Summary Judgment on Count IV of Plaintiffs' First Supplemental Complaint and hereby **ORDERS**:

- i. The Secretary of State is enjoined from requiring date of birth on any absentee ballot application forms or absentee ballot oath envelopes generated by the Secretary of State, *see* O.C.G.A. § 21-2-50(a)(5);
- ii. The Secretary of State is enjoined from certifying election results under O.C.G.A. § 21-2-499 until county election officials have

confirmed that they have not rejected any absentee ballots solely for missing or inaccurate dates of birth;

- iii. The Secretary of State is enjoined to issue an Official Election Bulletin to all counties instructing them that in compliance with federal law, they must accept absentee ballot applications and ballots with missing or inaccurate dates of birth as long as the voter's identity and eligibility can otherwise be verified; and
- iv. The State Election Board is enjoined from enforcing the challenged provisions of SB 202 where counties accept absentee applications or ballots with a missing or inaccurate date of birth, including through: (a) the State Election Board's power to undertake "appropriate proceedings" to impose penalties to "prohibit[] the actual or threatened commission of any conduct constituting a violation of state election law," O.C.G.A. § 21-2-33.1(a), including through issuing cease and desist orders, *id.* § 21-2-33.1(a)(1); (b) the State Election Board's authority to authorize an Attorney General Action in the name of the State Election Board, *id.* § 21-2-33.1(c); or (c) the State Election Board's authority to suspend county or municipal superintendents and appoint a replacement, *id.* § 21-2-33.1(f).

IT IS SO ORDERED this ____ day of _____, 2022.

Honorable Steve C. Jones
United States District Court Judge